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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/603,430

Applicant(s)

HSU ET AL.

Examiner

Nicholas D. Rosen

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claims 1-44 have been examined.

Claim Objections

Claims 1-13 are objected to because of the following informalities: In the first line of claim 1, "for authoring and delivery product catalogs" should presumably be "for authoring and delivering product catalogs". Appropriate correction is required.

Claims 12 and 13 are objected to because of the following informalities: In claim 12, "said prescribed image data and said overlays" lacks antecedent basis in claim 2, upon which claim 12 is stated to depend. Note that if claim 12 were amended to depend on 6, which does provide antecedent basis, claims 12 and 13 would then closely match claims 8 and 9, resulting in double patenting issues. Appropriate correction is required.

Claim 24 is objected to because of the following informalities: In the fifth line "references" should be "reference", for the sake of consistency and subject-verb agreement. Appropriate correction is required.

Claim 32 is objected to because of the following informalities: The claim is ungrammatical, and is presumed for examination purposes to recite, "fixing said definition for said variable so as to cause generation of multiple catalog sub-objects." Appropriate correction is required.

Double Patenting

Applicant is advised that should claim 7 be found allowable, claim 11 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k). In this case, claims 7 and 11 appear to be entirely identical.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-13

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Batham et al. (U.S. Patent Application Publication 2002/0082953) in view of Feldman et al. (U.S. Patent Application Publication 2003/0115147). Batham discloses an automated method for authoring product catalogs, wherein the existence of a catalog database for storing and providing data for use in authoring product catalogs (e.g., Figures 1A and 1B; paragraph 0034) inherently requires that the catalog data base has been set up; Batham further discloses authoring a product catalog, including the steps of: updating a product structure, including storing new data (e.g., paragraphs 0036, 0070, and 0089), selecting views for a product wherein said views comprise a respective hierarchical structure of objects of various types (paragraphs 0034, 0055, and 0057), and entering product data for the objects of various types (paragraphs 0046 and 0067); updating and organizing the objects based on respective hierarchical structure such that product content for all required views is stored in the catalog database (paragraphs 0034, 0055, 0057, 0066, and 0089); generating the catalog (e.g., paragraphs 0034 through 0036); publishing the catalog (e.g., paragraphs 0011 and 0046); and making the catalog available on a web page (paragraphs 0014 and 0036), which is held to constitute delivering it; also, producing a catalog in paper format (paragraph 0012) or as a CD (paragraph 0013) implies delivering it, without which the effort of producing it would have little point. Batham does not expressly disclose associating the new data with respective selected views, but given the disclosure of storing new data and providing views for products, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to do so, for the obvious and

implied advantage of having new products, or products with updated catalog entries, be shown with corresponding product views to attract interest and show what the products are like.

Batham does not disclose that the product content comprises XML files based on a Document Type Definition, but XML files based on a Document Type Definition are well known, as taught, for example, by Feldman (paragraph 0017). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the product content to comprise XML files based on a Document Type Definition, for at least the obvious and implied advantages of readily enabling content documents to be displayed in different computers with unique hardware and software capabilities while preserving the original format, and defining the embedded format codes to make this possible.

Claims 2, 3, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Batham and Feldman as applied to claim 1 above, and further in view of official notice. As per claim 2, Batham discloses updating data which can include technical data and/or text descriptions for objects (paragraph 0070). Batham does not expressly disclose updating product graphics for the objects, but official notice is taken that it is well known to update graphics. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to update product graphics for the objects, for the obvious advantage of attracting customers by displaying improved graphic images of products, or graphic images corresponding to new pictures of products.

Art Unit: 3625

As per claim 3, Batham implies updating the encoding for the objects (paragraph 0073), and any changes or updating of the objects, such as Batham discloses, can be viewed as updating a character set for the objects.

As per claim 4, Batham discloses entering the content of said objects; and organizing the objects based on the structure of specific views (paragraphs 0034, 0055, 0057, 0066, and 0089).

As per claim 5, Batham discloses entering a set of properties, and attaching said set of properties to an object to further qualify the type of product information represented by the object (paragraphs 0064 through 0066).

Claims 6, 8, 9, 10, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Batham, Feldman, and official notice as applied to claim 2 above, and further in view of Fisher et al. (U.S. Patent 5,392,066). As per claim 6, Batham teaches processing of product graphics (e.g., paragraph 0034), presumably in accordance with the given requirements of enabling the display of images, as described; and discloses extracting prescribed image data from the database (ibid.). Batham does not disclose selectively generating and adding overlays to the product graphics, but it is well known to selectively generate add overlays, as taught, for example, in Fisher (column 4, lines 23-34; the "pricing and other advertising copy" would inherently have to have been generated). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to selectively generate and add overlays to the product graphics, for the obvious

Art Unit: 3625

advantage of displaying to viewers prices, advertising copy, images made up of several sub-images, etc.

As per claim 8 and parallel claim 12, Fisher teaches combining image data and overlays so as to produce a resulting integrated image (column 4, lines 23-34). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to do this, as set forth with regard to claim 6 above.

As per claim 9 and parallel claim 13, Fisher discloses that combining the prescribed image data and overlays comprises integrating the prescribed image data for adding anchorable information units (AIU's) to the integrated image (column 4, lines 23-34); AIU's are defined sufficiently broadly that the pricing and other advertising copy of Fisher may be regarded as AIU's (the instant application, page 12, lines 20-24). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to do this, as set forth with regard to claim 6 above.

As per claim 10, the selective combining of image data and overlays in Fisher (column 4, lines 23-34) provides a format suitable for given viewers (e.g., Abstract). Fisher does not disclose that the format is suitable for given browsers, but official notice is taken that it is well known to provide data and images in a format suitable for given browsers. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to combine the overlays for providing a format suitable for given browsers and viewers, for the obvious advantage of making the product catalogs usable and viewable by potential customers.

Art Unit: 3625

Claims 7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Batham, Feldman, Fisher, and official notice as applied to claim 6 above, and further in view of Lev et al. (U.S. Patent Application Publication 2002/0102966). Batham does not disclose that extracting the prescribed image data from the processing of the product graphics comprises extracting data including relevant ID's, labels, and symbols, but Lev teaches extracting from images data including labels and symbols, which may be identifying information and therefore relevant ID's (Abstract). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the extracting prescribed image data from the processing of the product graphics to comprise extracting data including relevant ID's, labels, and symbols, for the obvious advantage of assuring that proper labels and symbols are associated with the product images corresponding to and identified as corresponding to respective products.

Claims 14-37 and 43

Claims 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Batham et al. (U.S. Patent Application Publication 2002/0082953) in view of Feldman et al. (U.S. Patent Application Publication 2003/0115147) and official notice. As per claim 14, Batham discloses an automated method for authoring product catalogs, wherein the existence of a catalog database for storing and providing data for use in authoring product catalogs (e.g., Figures 1A and 1B; paragraph 0034) inherently requires that the catalog data base has been set up; Batham further discloses authoring a product

Art Unit: 3625

catalog, including the steps of: generating and updating a product structure, including storing new data (e.g., paragraphs 0036, 0070, and 0089); selecting views for a product wherein said views comprise a respective hierarchical structure of objects of various types (paragraphs 0034, 0055, and 0057); entering product data for the objects of various types (paragraphs 0046 and 0067); updating data which can include technical data and/or text descriptions for objects (paragraph 0070); and updating and organizing the objects based on respective hierarchical structure such that product content for all required views is stored in the catalog database (paragraphs 0034, 0055, 0057, 0066, and 0089); generating the catalog (e.g., paragraphs 0034 through 0036); publishing the catalog (e.g., paragraphs 0011 and 0046); and making the catalog available on a web page (paragraphs 0014 and 0036), which is held to constitute delivering it; also, producing a catalog in paper format (paragraph 0012) or as a CD (paragraph 0013) implies delivering it, without which the effort of producing it would have little point.

Batham does not expressly disclose associating the new data with respective selected views, but given the disclosure of storing new data and providing views for products, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to do so, for the obvious and implied advantage of having new products, or products with updated catalog entries, be shown with corresponding product views to attract interest and show what the products are like.

Batham does not expressly disclose updating product graphics for the objects, but official notice is taken that it is well known to update graphics. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of

Art Unit: 3625

applicant's invention to update product graphics for the objects, for the obvious advantage of attracting customers by displaying improved graphic images of products, or graphic images corresponding to new pictures of products.

Batham does not disclose that the product content comprises XML files based on a Document Type Definition, but XML files based on a Document Type Definition are well known, as taught, for example, by Feldman (paragraph 0017). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the product content to comprise XML files based on a Document Type Definition, for at least the obvious and implied advantages of readily enabling content documents to be displayed in different computers with unique hardware and software capabilities while preserving the original format, and defining the embedded format codes to make this possible.

Batham does not expressly disclose previewing the catalog, but official notice is taken that it is well known to preview documents and websites. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to preview the catalog, for the obvious advantage of making sure that the catalog was as it was supposed to be before printing thousands of copies at considerable expense, or making the catalog available to a large customer base through the Web.

As per claim 17, Batham discloses retrieving product information data from a back-end system (paragraphs 0034 through 0036); extracting a product text description containing at least one of in-line graphics and embedded graphics (paragraphs 0055

Art Unit: 3625

and 0066); and integrating graphics and product text description for forming an object of technical data (paragraphs 0055, 0057, 0066 and 0067). Batham discloses producing a catalog in appropriate format for publication, including Web publication (e.g., Abstract; paragraphs 0037, 0063, and 0087), making the mapping of the product information data into an appropriate format obvious, so as to make the disclosed publication of the catalog possible. Batham discloses uploading the database information as a Web publication (paragraphs 0014 and 0036) with images (paragraphs 0055, 0057, etc.), implying uploading the graphics. Batham does not expressly disclose storing said object of technical data in said database, but discloses storing requisite documents, including technical data, in the catalog database (paragraph 0067), and attaching and storing images (e.g., paragraphs 0055, 0066 and 0087), making it obvious to one of ordinary skill in the art, if not actually implied, to store the object of technical data in said database, for at least the disclosed advantage of readily providing product entries from a catalog to online customers.

As per claim 18, Batham discloses defining sub-objects from respective parent objects in product text descriptions in accordance with given criteria (e.g., paragraph 0067). Batham does not expressly disclose that the step of uploading graphics comprises this, but providing the disclosed sub-objects (specification sheets, material safety data sheets, and other documents), or links thereto, as part of catalog entries for products would require defining the sub-objects from the parent objects.

As per claim 19, Batham discloses storing sub-objects under said respective parent objects (e.g., paragraph 0067), and processing the sub-objects to make them

available is at the least obvious for the disclosed advantage of readily providing product entries from a catalog to online customers.

As per claim 20, Batham discloses retrieving product information data from a back-end system (paragraphs 0034 through 0036); extracting a product text description containing at least one of in-line graphics and embedded graphics (paragraphs 0055 and 0066); entering user defined product data into the database (e.g., paragraphs 0056 through 0062, 0066 and 0067); and integrating graphics and product text description for forming a structured text description (paragraphs 0056 through 0062, 0066 and 0067). Batham discloses producing a catalog in appropriate format for publication, including Web publication (e.g., Abstract; paragraphs 0037, 0063, and 0087), making the mapping of the product information data into an appropriate format obvious, so as to make the disclosed publication of the catalog possible. Batham discloses uploading the database information as a Web publication (paragraphs 0014 and 0036) with images (paragraphs 0055, 0057, etc.), implying uploading the graphics. Batham does not expressly disclose storing said structured text description in said database, but discloses storing requisite documents in the catalog database (paragraph 0067), and attaching and storing images (e.g., paragraphs 0055, 0066 and 0087), making it obvious to one of ordinary skill in the art, if not actually implied, to store the structured text description in said database, for at least the disclosed advantage of readily providing product entries from a catalog to online customers.

As per claim 21, Batham discloses formatting the catalog (e.g., Abstract).

Art Unit: 3625

As per claim 22, Batham discloses generating a catalog template structure in accordance with document type definition (paragraphs 0012, 0055, 0056, and 0089); generating at least one real catalog object for an instance found of a catalog object; generating at least one real catalog object for an instance found of a catalog object (e.g., paragraphs 0075 and 0076); and identifying and extracting content from the database for generating said real catalog object for an instance (paragraphs 0034 through 0036; paragraphs 0075 and 0076). Batham (paragraphs 0055-0069) can be viewed as disclosing parsing and traversing the catalog template structure, but does not disclose evaluating, during said traversing, template objects found in the template structure as variables and catalog objects, wherein an object which is not a variable is considered a catalog object for evaluation; however, official notice is taken that it is well known to treat objects which are not variables as particular objects for evaluation. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to evaluate template objects as recited, for the obvious advantage of appropriately providing for all objects in a catalog to be supplied with appropriate data (e.g., pictures of items for sale, prices, descriptions of items for sale, etc., instead of blank spaces, or statements like "Insert picture here" where such information should be found).

As per claim 23, official notice is taken that it is well known to replace variables by actual respective values. Hence, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to generate real catalog objects by

Art Unit: 3625

replacing variables by respective values thereof, for at least the reasons set forth with regard to claim 22 above.

As per claim 24, Batham discloses links in catalog database to retrieve actual images or other documents (paragraphs 0034 and 0035), so that the links can be considered as variable constituents comprising external references, whereby said external references are located and transferred to be incorporated in the target real catalog object.

As per claim 25, Batham discloses identifying variable constituents in real catalog objects and fixing definitions for said variable constituents in the templates such that target documents based on said templates include said definitions for the variables (paragraphs 0042 and 0052).

As per claim 26, Batham does not expressly disclose fixing said definition for said variable as a product name, but does disclose product in the catalog as being searchable by name (paragraph 0080), implying that product name is one of the variable which would be defined, as per claim 25; hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to fix the definition for a variable as a product name, for the stated advantage of enabling users of the catalog to identify products for sale by product name.

As per claim 27, Batham does not expressly disclose fixing the definition for the variable as a query, but does disclose queries, users of the catalog being invited to enter ID codes, price ranges, and other data as queries (paragraphs 0036, 0073, and 0080), making it obvious to one of ordinary skill in the art of electronic commerce at the

Art Unit: 3625

time of applicant's invention to fix the definition for a variable as a query, for the obvious advantage of providing for such queries to be made as disclosed.

As per claims 28 and 29, Batham discloses queries requiring retrieval and manipulation of data base contents (paragraphs 0036, 0073, and 0080), and (as per claim 28), Batham discloses database data fields (paragraphs 0034, 0039, 0052, 0053, 0054, etc.), so that retrieval and manipulation of data base contents would typically involve retrieval and manipulation of database data fields. Hence, claims 28 and 29 are obvious for the same reason as claim 27.

As per claim 30, Batham does not expressly disclose fixing the definition for the variable as a conditional command, depending for execution thereof on any local and global variables and data base contents, but Batham does disclose enabling users of the catalog to enter commands for search of the database, where execution of the commanded search would depend on various variables and data base contents (paragraphs 0073, 0080, and 0086), making fixing the variable as such a conditional command obvious, for the same reason as set forth above regarding claim 27.

As per claim 31, Batham discloses searches retrieving multiple catalog objects (e.g., claim 0080), and catalog objects are generated from multiple data records (e.g., paragraphs 0034 through 0036), making fixing the definition as recited obvious for the same reason as set forth above regarding claim 27.

As per claim 32, this is similar to claim 31; furthermore, Batham discloses multiple catalog sub-objects as parts of objects (paragraphs 0055 and 0067), making

Art Unit: 3625

fixing the definition as recited obvious for the same reason as set forth above regarding claim 27.

As per claim 33, Batham discloses generating catalog sub-objects having the attributes of real catalog objects (paragraphs 0055 and 0067) (documents, descriptors, pictures, and other sub-objects would inherently have to have been generated to be attached or included).

As per claim 34, Batham can be viewed as defining global variables in generating a catalog structure (e.g., paragraphs 0034-0036), and defining local variables (paragraphs 0052-0056). Moreover, if needed, official notice is taken that it is well known to define global variables and define local variables. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to define global and local variables as recited, for the obvious and disclosed advantages of creating a catalog structure, and populating it with particular data on particular products.

As per claim 35, Batham discloses generating an index list comprising references to selected objects (Abstract; paragraphs 0076, 0077, and 0095).

Claims 15, 16, 36, 37, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Batham and official notice as applied to claim 14 above, and further in view of Fisher et al. (U.S. Patent 5,392,066) and Lev et al. (U.S. Patent Application Publication 2002/0102966). As per claim 15, updating product images is held to be obvious, as set forth above with regard to claim 14; entering product images into the database follows from the disclosed presence of product images in the database (e.g.,

Art Unit: 3625

paragraph 0034 of Batham). Fisher teaches manipulating graphics and combining overlay images to generate an integrated product image (column 4, lines 23-34), the generation of overlay image layers being implied by their use. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to selectively generate overlays to the product graphics, for the obvious advantage of displaying to viewers prices, advertising copy, images made up of several sub-images, etc.

Batham does not disclose extracting anchorable information units (AIU's) from the graphics, but Lev teaches extracting letters, symbols, etc., from images (Abstract), which qualify as AIU's (see the instant application, page 12, lines 20-24). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to extract AIU's from the graphics, for the obvious advantage of assuring that proper labels and symbols were associated with the product images corresponding to respective products.

As per claim 16, Fisher teaches generating an image layer including AIU's (column 4, lines 23-34), and transmitting the images including AIU's to be displayed (Abstract). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to do so, for the obvious advantage of displaying to viewers prices, advertising copy, images made up of several sub-images, etc.

As per claim 36, Batham discloses publishing said catalog as at least one of a delivery database and a set of file directories (paragraph 0012).

As per claim 37, Batham discloses publishing a table of contents (Abstract; paragraphs 0076, 0077, and 0095), which constitutes publishing an organization of a product structure for the catalog and publishing an organization of a product structure for the respective selected views. Batham does not expressly disclose publishing an organization of definitions, styles, and product documents for the respective selected views, but official notice is taken that it is well known to publish organizations of structures in some detail; hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to publish an organization of definitions, styles, and product documents for the respective selected views, for the obvious advantage of assisting people in finding desired information.

As per claim 43, Fisher teaches manipulating graphics and combining overlay images to generate an integrated product image (column 4, lines 23-34), the generation of overlay image layers being implied by their use. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to selectively generate overlays to the product graphics, for the obvious advantage of displaying to viewers prices, advertising copy, images made up of several sub-images, etc.

Claim 38

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Batham et al. (U.S. Patent Application Publication 2002/0082953) in view of Feldman et al. (U.S. Patent Application Publication 2003/0115147) and official notice. Claim 38 is largely parallel to claim 14, and rejected on the same grounds set forth above for claim 14,

Art Unit: 3625

except for the final clause of claim 38, regarding which: Batham discloses publishing a table of contents (Abstract; paragraphs 0076, 0077, and 0095), which constitutes publishing an organization of a product structure for the catalog and publishing an organization of a product structure for the respective selected views. Batham does not expressly disclose publishing an organization of definitions, styles, and product documents for the respective selected views, but official notice is taken that it is well known to publish organizations of structures in some detail; hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to publish an organization of definitions, styles, and product documents for the respective selected views, for the obvious advantage of assisting people is finding desired information.

Claims 39, 40, and 44

Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Batham et al. (U.S. Patent Application Publication 2002/0082953) in view of Feldman et al. (U.S. Patent Application Publication 2003/0115147) and official notice. Claim 39 is closely parallel to claim 14, and rejected on essentially the same grounds. Batham additionally discloses a computer with a memory (paragraphs 0030 and 0031); Batham's descriptions of what is done make obvious programming for causing the computer to do it.

Claims 40 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Batham, Feldman, and official notice as applied to claim 39 above, and further in view of Fisher et al. (U.S. Patent 5,392,066) and Lev et al. (U.S. Patent Application

Publication 2002/0102966). Claim 40 is closely parallel to claim 15, and rejected on essentially the same grounds. Claim 44 is closely parallel to claim 43, and rejected on essentially the same grounds.

Claims 41 and 42

Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Batham et al. (U.S. Patent Application Publication 2002/0082953) in view of Feldman et al. (U.S. Patent Application Publication 2003/0115147). Claim 41 is closely parallel to claim 1, and rejected on essentially the same grounds. Batham additionally discloses a computer with a memory (paragraphs 0030 and 0031); Batham's descriptions of what is done make obvious programming for causing the computer to do it.

Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Batham and Feldman as applied to claim 41 above, and further in view of official notice. Batham discloses updating data which can include technical data and/or text descriptions for objects (paragraph 0070). Batham does not expressly disclose updating product graphics for the objects, but official notice is taken that it is well known to update graphics. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to update product graphics for the objects, for the obvious advantage of attracting customers by displaying improved graphic images of products, or graphic images corresponding to new pictures of products.

Response to Arguments

Applicant's arguments filed June 14, 2007 have been fully considered but they are not persuasive; they are also moot in view of the new ground(s) of rejection. First, Examiner notes that not all of the informalities to which Examiner objected in the prior Office action have been corrected; also, while Applicant states in his Remarks that claim 11 has been canceled, it does not appear as canceled in the amended claims.

Regarding the substance of the claims, and their obviousness over the prior art, it is true that Batham does not disclose XML files, and in particular does not disclose XML files based on a Document Type Definition, but these are well known, as taught by Feldman (and other references that could have been cited), and there is motivation to make the combination of Feldman (or whatever) with Batham. There appears to be no reason to consider the use of XML in this context a patentable innovation. Applicant may wish to refer to the Supreme Court's decision in *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385 (U.S. 2007), where the Court held that a person of ordinary skill in the art has good reason to pursue known options within his or her technical grasp, and if this leads to anticipated success, it is likely the product of ordinary skill and common sense, not innovation.

The common knowledge or well-known in the art statements in the previous office action are taken to be admitted prior art, because Applicant did not traverse Examiner's taking of official notice.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Savoie et al. (U.S. Patent 7,213,031) disclose an automated database publishing and integrated marketing system and program.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 571-272-6762. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith, can be reached on 571-272-6763. The fax phone number

Art Unit: 3625

for the organization where this application or proceeding is assigned is 571-273-8300.

Non-official/draft communications can be faxed to the examiner at 571-273-6762.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nicholas D. Rosen

**NICHOLAS D. ROSEN
PRIMARY EXAMINER**

August 24, 2007